

Notice of Allowability

Application No.

09/763,312

Examiner

LoAn H. Thanh

Applicant(s)

ENGVAL ET AL.

Art Unit

3763

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 03/24/05.
2. ☒ The allowed claim(s) is/are 1-10.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 09/15/05.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 04/24/01
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other proposed figure 3.

LoAn H. Thanh
Primary Examiner
Art Unit: 3763

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. Authorization for this examiner's amendment was given in a telephone interview with Mr. Finder on 09/19/05.

The application has been amended as follows:

In the abstract, in lines 2 and 5, "means " has been deleted and replaced with ---unit---.

In the specification on page 1, line 16, "The" has been deleted and ---They--- has been inserted.

In the specification on page 2, line 4, after "membrane" , --- (100, 200) --- has been inserted.

In the specification on page 3,

line 33, after the "first portion" , ---1a--- has been inserted and

line 34, after the first and second occurrence of "portion" , ---16--- has been inserted.

In the specification on page 8,

line 4, after the "portion" , ---1a--- has been inserted and,

in line 6, after the " not-enclosed portion" , ---16 of the inner casing --- has been inserted and,

in line 6, "of 2" has been deleted and ,
in line 6, "1" has been deleted and replaced with ---2--- and,
in line 9, "2" has been deleted and replace with ---1---.

Drawings

The following changes to the drawings have been approved by the examiner and agreed upon by applicant: Applicant is to insert 2 boxes with reference numeral 100 and 200 respectively in figure 3 in the shades area within the pressure generator unit 7 to show support for claim 10. Reference numeral 21 has been deleted. Reference numeral 16 and 1a has been inserted in fig. 3 to show the first and second portion of the inner casing. See attached proposed figure 3. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance: The prior art of record fails to teach or render obvious an apparatus comprising a mechanical, electronically controlled pulse generator housing in an inner casing wherein the inner casing is partially enclosed by an outer casing and a storage compartment disposed therebetween and a flexible tube connected to the pulse generator at one end and connected to an ear plug at the other end and disposed in the storage compartment wherein the storage compartment surrounds the inner casing around which the flexible tube such that the flexible tube is disposable in a coiled manner. Any comments considered necessary by applicant must be submitted no later than the payment of the

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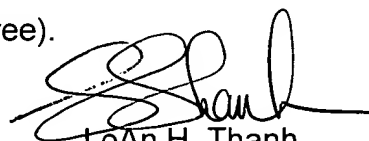
issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LoAn H. Thanh whose telephone number is (571) 272-4966. The examiner can normally be reached on Mon. - Fri. (First Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Lucchesi can be reached on (571) 272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


LoAn H. Thanh
Primary Examiner
Art Unit 3763

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09/15/05

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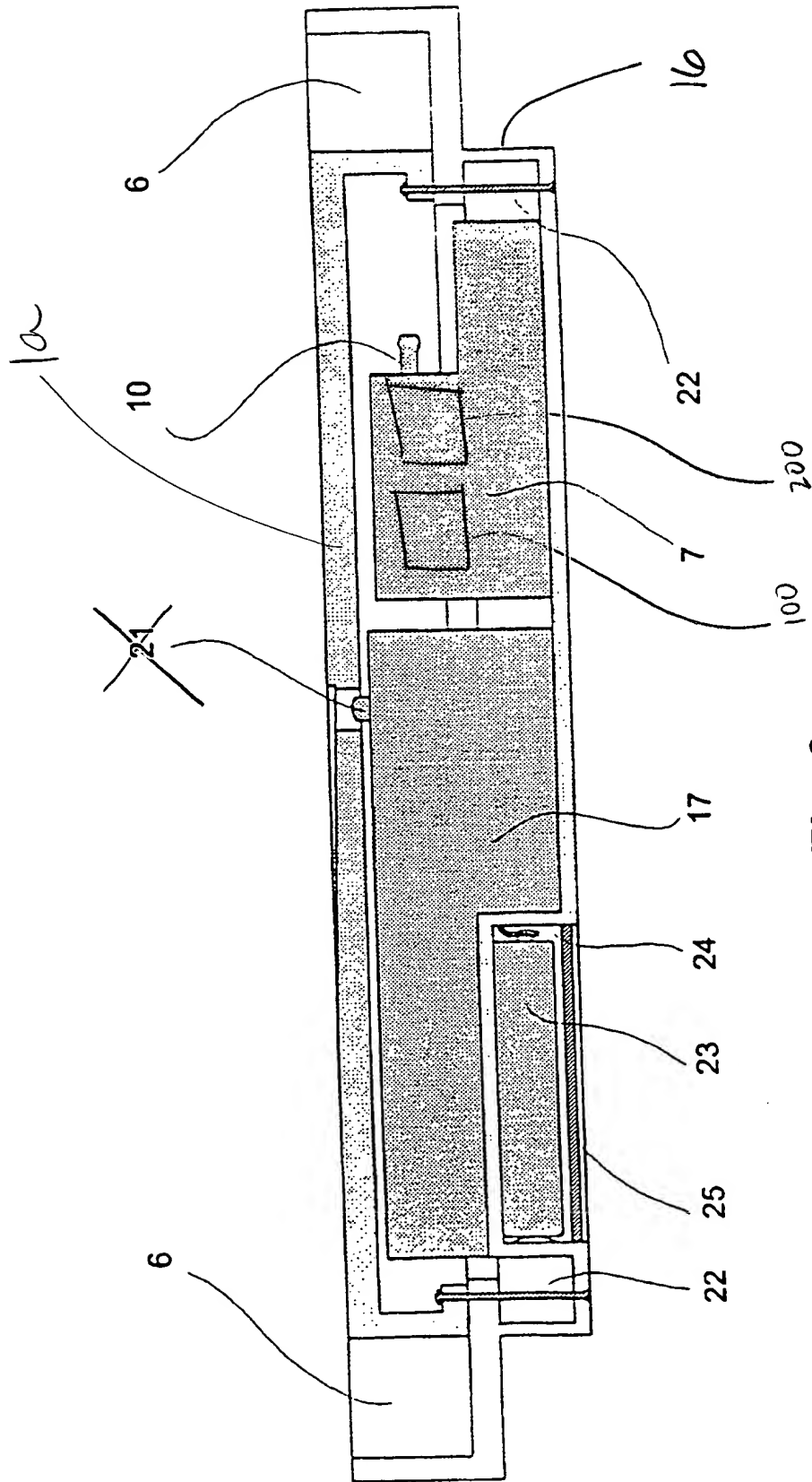


Fig. 3